

further comprising: a prior cell effective means for making at least one of the cells of the matrix effective based on effective cell lottery.’ wherein the examiner cannot comprehend limitations the claims is trying to make, thus all of the claims are given broadest reasonable claim interpretation. The stated claims language above is just an example of indefinite claim language through out the claims. Appropriate correction is required.”

The failure to comprehend limitations the claims 13-16 is not understood.

Each of claims 13-16 requires “a prior cell effective means for making at least one of the cells of the matrix effective based on an effective cell lottery.”

Details of this feature are described on page 69, first full paragraph, with reference to Figure 17. As described therein a prior cell effective means [a CPU executing a subroutine (see page 59, first full paragraph)] determines which of the cells of the matrix are to be effective from the start of the game [the means is characterized as a “prior cell effective means” (emphasis added) to make clear that the cells are made effective by the recited means prior to the start of the game].

The Court of Appeals for the Federal Circuit has quite recently stated that “the specification ‘is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a [] term’,” and that “[t]he construction that stays true to the claim language and most naturally aligns with the patent’s description of the invention will be, in the end, the correct construction.” The Chamberlain Group, Inc., et al., v. Lear Corporation, Fed. Circ. No. 2007-1314, 1467, February 19, 2008.

It is respectfully submitted that each of claims 13-16 particularly point out and distinctly claim what the applicant regards as the invention and that those skilled in the art, having reviewed the specification, would fully comprehend both the meaning and scope of each of these claims.

Obviousness

Claims 1-27 stand rejected under 35 U.S.C. 103(a), as obvious over Barrie (US Patent 5,980,384). The rejection is respectfully traversed.

All Claims

As highlighted in the prior response (filed on September 26, 2007), the remarks of which are incorporated herein by reference, the limitations of the present claims require that there be (i) an allocation of symbols to cells, (ii) a shifting of the allocated symbols, (iii) a making effective of cells with allocated symbols by lottery and after the shifting, and (iv) making a disbursement if the cells along a line have a winning combination and have been made effective.

Barrie, on the other hand, discloses a slot machine in which an allocated symbol is always effective. To the extent Barrie can be considered to allocate symbols to cells (which is not admitted), the allocation of the symbol to the cell makes the cell effective. Barrie lacks any disclosure of making effective cells that already have been allocated symbols.

Accordingly, Barrie necessarily fails to teach or suggest a disbursement based on the cells along a line having a winning combination and having been made effective by lottery after shifting symbols, as required by each of the independent claims.

Independent Claims 1 and 3

As also highlighted in the prior response, independent claims 1 and 3 require the capability to shift each allocated symbol of a peripheral group of cells of the matrix from an original cell position to an adjacent cell position such that a loop of allocated symbols are shifted along the peripheral group of cells.

The final Official Action contends that “Barrie also teaches of shifting symbols from original cell to an adjacent cell position (col. 4: 52-68). Barrie also teaches of an award determination means, which determines the award, and disburses, to the player if any combination of symbols is achieved after the occurrence of the shift (col. 6: 13-23).”

However, in the referenced text Barrie discloses:

“After each play of the primary game the game symbol appearing in each of the secondary game positions 126a,e,i,d,h,l along the far left and far right vertical edges of playing field 113 will automatically change to

match the game symbols that appear in the adjacent one of primary game display positions 120a,b,c,g,h,i unless the symbol in one of these primary game display positions is the Flip-Flop symbol 132. This is done in accordance with one of the features of the invention wherein primary game symbols move to secondary game display positions. When the Flip-Flop symbol 132 appears in any of primary game positions 120a-i after each play of the primary game, the symbol appearing in horizontally adjacent ones of secondary game symbol display positions 126a-l will remain what they were before the spin, and will not change to a Flip-Flop symbol 132.” (col. 4: 52-68)

“Between spins or plays of the primary game the secondary game symbols remain in the secondary game positions 126a-126l except for automatic or manual secondary game symbol replacement/transpositions as described above. When a player achieves four alike secondary game symbols, which may include wild card Jokers, in one or more of pay lines 121a, 121b and 121c, there is a win or wins for the secondary game. The operation described for the secondary game provides persistence of secondary game symbols over many plays of the primary game in accordance with another feature of the invention.” (col. 6: 13-23)

Thus, as also highlighted in the prior response, the referenced text of Barrie discloses changing symbols in one (i.e. a secondary) game to those in another (i.e. a primary) game.

The referenced text of Barrie lacks any disclosure whatsoever of shifting (rather than changing) symbols allocated to cells of a matrix, let alone shifting symbols allocated to cells in a single game (not between different games).

Furthermore, one can only ask, where in the referenced text it is contended that Barrie teaches or otherwise suggests shifting allocated symbols of a peripheral group of cells of a matrix from an original cell position to an adjacent cell position such that a loop of allocated symbols are shifted along the peripheral group of cells? As described in the referenced text, Barrie changes

symbols from those of the applicable game to those of another different game, and hence has no need to consider a “peripheral group of cells” or moving symbols from “an original cell position to an adjacent cell position” or moving symbols “such that a loop of allocated symbols are shifted along the peripheral group of cells”.

In column 5, line 21, through column 6, line 12, Barrie does discuss a Flip Flop function, which, as the name suggests, transpositions (i.e. switches the positions of) two symbols (i.e. each of the two symbols is moved to the other’s prior position).

However, even assuming, for the sake of argument, that such a transposition can be properly considered to correspond to a shifting of symbols, Barrie still lacks any teaching or suggestion that the disclosed transformation should or could beneficially shift allocated symbols of a peripheral group of cells of a matrix from an original cell position to an adjacent cell position such that a loop of allocated symbols are shifted along the peripheral group of cells, as required by claims 1 and 3. Indeed, to modify Barrie to include such limitations would change a principle of operation of Barrie’s invention (See In re Ratti, 270 F.2d 810, 123 USPQ 349, CCPA 1959).

Independent Claims 17 and 20

1. Shifting of Symbols

As also highlighted in the prior response, independent claims 17 and 20 require the capability to shift each symbol allocated to a cell within or belonging to a peripheral group of cells from an original cell position to an adjacent cell position, in response to operation of a switch.

The final Official Action contends that “Barrie also teaches of shifting symbols from original cell to an adjacent cell position (col. 4: 52-68). Barrie also teaches of an award determination means, which determines the award, and disburses, to the player if any combination of symbols is achieved after the occurrence of the shift (col. 6: 13-23).”

However, as discussed in more detail above with reference to claims 1

and 3, the referenced text of Barrie teaches only the changing of symbols from those of the applicable game to those of another different game and lacks any teaching or suggestion of shifting symbols.

In column 5, line 21, through column 6, line 12, Barrie does discuss a Flip Flop function, which, as the name suggests, transpositions (i.e. switches the positions of) two symbols (i.e. each of the two symbols is moved to the other's prior position). It is worthwhile to note that according to Barrie, "[d]uring each play of the primary game the Flip-Flop symbol 132 can only appear in one primary game position at a time of each of horizontal game reels 119a,b,c" (see column 5, lines 27-30). Additionally, Barrie also discloses"

"While transposition of secondary game symbols, as described immediately above, is done automatically, the game may also be configured such that decisions to transpose the secondary game symbols are made manually to permit a player to exercise their "optimizing skills" in accordance with one of the features of my invention. When the manual operation is provided the system utilizes touch screen technology and the player may affect the transposition by either pressing a button (not shown) on the gaming unit located below the display screen 112 (not shown), and there is one button positioned below each of game reels 119a,b,c; or the touch screen technology can be utilized and the player touches a displayed Flip-Flop symbol 132 to affect the transposition of the secondary game symbols on either side of the Flip-Flop symbol 132. In this manual operation Flip-Flop symbols in the primary game are used as soft buttons to affect transposition of symbols in the secondary game, which is one of the features of the present invention."

However, even assuming, for the sake of argument, that such a manual transposition can be properly considered to correspond to a shifting of symbols in response to operation of a switch, Barrie still lacks any teaching or suggestion that the disclosed transformation should or could beneficially shift each symbol allocated to a cell within or belonging to a peripheral group of cells from an

original cell position to an adjacent cell position, in response to such switch operation. Here again, to modify Barrie to include such limitations would change a principle of operation of Barrie's invention. This is because Barrie explicitly discloses that "the Flip-Flop symbol 132 can only appear in one primary game position at a time of each of horizontal game reels 119a,b,c."

2. Lottery Selection, Collation and Disbursement Units

Furthermore each of claims 17 and 20 requires a lottery selection unit for selecting a symbol by lottery after the shifting (step S14 of Fig.14 and step S42 of Fig.17), a collation unit for collating the selected symbol with the allocated symbols and for making a cell effective if the symbol allocated to that cell matches the selected symbol (step S43 of Fig.17), and a disbursement unit for making a disbursement if the cells along a line are made effective, and the symbols allocated to the effective cells along the line make a winning combination (step S15 of Fig.14 and Fig.18).

As should be clear from the above discussion, although Barrie executes the spinning of reels (119a-119c, 219a-219e), it lacks any teaching or suggestion of a lottery selection after the shift, or of execution of collation, or of disbursement if the cells along a line are made effective and the symbols allocated to the effective cells make a winning combination.

Independent Claim 19

1. Shifting of Symbols

As also highlighted in the prior response, independent claim 19 requires the capability to shift each symbol allocated to a cell belonging to a peripheral group of cells from an original cell position to an adjacent cell position, in response to a user input.

The final Official Action contends that "Barrie also teaches of shifting symbols from original cell to an adjacent cell position (col. 4: 52-68). Barrie also teaches of an award determination means, which determines the award, and disburses, to the player if any combination of symbols is achieved after the

occurrence of the shift (col. 6: 13-23).”

However, as discussed in more detail above with reference to claims 1 and 3, the referenced text of Barrie teaches only the changing of symbols from those of the applicable game to those of another different game and lacks any teaching or suggestion of shifting symbols.

In column 5, line 21, through column 6, line 12, Barrie does discuss a Flip Flop function, which, as the name suggests, transpositions (i.e. switches the positions of) two symbols (i.e. each of the two symbols is moved to the other's prior position).

However as discussed in greater detail above with reference to claims 17 and 20, even assuming, for the sake of argument, that such a manual transposition can be properly considered to correspond to a shifting of symbols in response to a user input, Barrie still lacks any teaching or suggestion that the disclosed transformation should or could beneficially shift each symbol allocated to a cell within or belonging to a peripheral group of cells from an original cell position to an adjacent cell position, in response to such an input. Here again, to modify Barrie to include such limitations would change a principle of operation of Barrie's invention.

2. Lottery Selection, Collation and Disbursement

Furthermore claim 19 requires selecting a symbol by lottery after the shifting, collating the selected symbol with the allocated symbols, making a cell effective if the symbol allocated to that cell matches the selected symbol, and making a disbursement if the cells along a line are made effective, and the symbols allocated to the effective cells along the line make a winning combination.

As shown in Fig.14, the preparation of a matrix is performed (step S12), and the setting of the betting quantity is performed (step S13). Further to the preparation, the game is executed (step S14), with a lottery selection of symbols being performed a predetermined number of times. After the execution of the game, the payment of coins is performed (step S15).

As shown in Fig.17, a lottery selection of a symbol is performed (step S42) as described on page 69. In this process, one symbol is selected by an internal lottery. The selected symbol is then displayed in the list of lottery results displayed at the upper right part of display device 32, as shown in Fig.11. If the selected symbol has already been selected once in the same game and is displayed in the above-mentioned list, the lottery result is not displayed a second time and the lottery is performed again so that a new symbol will be selected. Next, collation of the symbol is performed (step S43), as described in page 69. In this process, CPU 66 collates the above selected symbol with the symbols displayed in the matrix. If the same symbol as the selected symbol is displayed in the matrix, the cell in which the symbol is displayed is made effective and the color of this cell is changed, as shown in Fig.11.

As shown in Fig.18, a judgment is made as to whether or not there is a winning line (step S51) as described in pages 70-71. To do so, it is judged whether or not a line, in which all cells have been made effective and a winning combination is formed, exists among the combinations of symbols along the plurality of lines in the matrix displayed on display device 32. If it is judged that there is a winning line among the plurality of lines, a predetermined benefit is provided to the player.

Again, as should be clear from the above discussion, although Barrie executes spinning of reels (119a-119c, 219a-219e), it lacks any teaching or suggestion of a lottery selection after the shift, or of execution of collation, or of disbursement if the cells along a line are made effective and the symbols allocated to the effective cells make a winning combination.

According to the present invention, a new way of enjoying a game is provided, since the fun is not just in rearranging the symbols by shifting the symbols within the cells to form a winning combination, but also in the anticipation of completing a line or highly-disbursed line of the cells which are already shifted. In addition, the fun of a “poker game” or “mahjong game” can also be enjoyed.

Dependent Claims

Other features recited in the dependent claims also further distinguish over the applied prior art for reasons discussed in the prior response.

Additionally the following is offered:

Claims 13-16

In claims 13-16, at least one of the cells is preliminarily made effective.

As shown in Fig.17, the determination of a prior effective cell is performed (step S41). To do so, a lottery is performed to determine a cell to be made effective from the start of the game, and the cell is made effective prior to the start of the game.

In accordance with the present invention, the positions of the symbols are determined in advance, unlike in the original “poker game”. So, there is the possibility that a large number of lotteries will be required to complete a line.

Thus, with the invention of claims 13-16, some portion of the cells are made effective by a lottery in advance of the game, and this shortens the game time. Also a player can anticipate earlier completion of a line, thereby making it more likely to draw the interest of the player.

In addition, because in the case where the designs of “mahjong tiles” are used, the number of cells can become large. The invention of claims 13-16 enables faster progress to be made in playing the game.

Claims 5-8 and 24

In claims 5-8 and 24, the predetermined symbols forming at least one winning combination are allocated to the cells forming at least one line (and other symbols are allocated to other cells).

As shown in Fig.15, a lottery selection of a winning combination is performed (step S21). In this process, one winning combination is selected from among a stored winning combination list. Next, the selection of symbols used in the determined winning combination is performed (step S22). Next, the line

along which the determined winning combination is to be aligned is selected (step S23). For example, a lottery selection can be performed to determine the line among the twelve lines of the matrix. Furthermore, the allocating of the symbols that make up the determined winning combination is performed (step S24). To do so, it is determined by lotteries which cells along the line should be allocated which of the symbols, so that each cell along the line has a respective symbol.

In addition, as shown in Fig.15, allocation of symbols to the remaining cells is performed (step S25). The symbols to be allocated to the remaining cells are also selected by lotteries, and the selected symbols are allocated to each of the remaining cells.

By carrying out the above, a plurality of matrices having at least one winning combination is easily prepared. In addition, it is possible to prevent a player from receiving a matrix with which a winning combination cannot be formed at all. Accordingly, the player can anticipate receiving a benefit.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No.1227.42952x00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Alfred A. Stadnicki/

Alfred A. Stadnicki
Registration No. 30,226

1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209
Tel: 703-312-6600
Fax: 703-312-6666

AAS/kbl